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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/015,262	12/12/2001	Yoriaki Shimada	FUJI 19.248	1734
26304	7590	09/02/2005	EXAMINER	
KATTEN MUCHIN ROSENMAN LLP			YAO, KWANG BIN	
575 MADISON AVENUE			ART UNIT	
NEW YORK, NY 10022-2585			PAPER NUMBER	
			2667	

DATE MAILED: 09/02/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/015,262

Applicant(s)

SHIMADA ET AL.

Examiner

Kwang B. Yao

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 December 2001.
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-5, 7-10 are rejected under 35 U.S.C. 102(e) as being anticipated by Kovvali et al. (US 6,920,113).

Kovvali et al. discloses a communication system comprising the following features:
regarding claim 1, 1. a transmission method for converting (Fig. 6, SONET FRAMER 610) a packet frame of a user into a synchronous frame and transmitting said synchronous frame by a time division multiplex (FIG. 6, TDM CHANNELS 434) network, the method comprising the step of: allocating a time-division multiplex (FIG. 6, TDM RX PROCESSOR 622; TDM TX PROC 624; TDM TRIBUTARY PROC 642) transmission band to said user according to a channel band (FIG. 5A, TDM SECTION 530; FIG. 7, BANDWIDTH ALLOCATION 730; CHANNEL ASSIGNMENT 740) of said packet frame of said user; regarding claim 2, a transmission device comprising: converting (Fig. 6, SONET FRAMER 610) means for converting (Fig. 6, SONET FRAMER 610) a packet frame of a user into a synchronous frame so as to transmit said synchronous frame by a time division multiplex (FIG. 6, TDM CHANNELS 434) network; and transmission-band allocating means for allocating a time-division multiplex

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(FIG. 6, TDM RX PROCESSOR 622; TDM TX PROC 624; TDM TRIBUTARY PROC 642) transmission band to said user according to a channel band (FIG. 5A, TDM SECTION 530; FIG. 7, BANDWIDTH ALLOCATION 730; CHANNEL ASSIGNMENT 740) of said packet frame of said user; regarding claim 3, wherein said converting (Fig. 6, SONET FRAMER 610) means maps said packet frame of said user to a payload of a minimum-unit synchronous frame of a plurality of paths (FIG. 5B, STS-1 frames; column 8, lines 58-67) in bytes; regarding claim 4, wherein said converting (Fig. 6, SONET FRAMER 610) means maps said packet frame of said user to a payload of a minimum-unit synchronous frame of a plurality of paths (FIG. 5B, STS-1 frames; column 8, lines 58-67) in units corresponding to a number of bytes of said payload; regarding claim 5, wherein said converting (Fig. 6, SONET FRAMER 610) means maps said packet frame of said user to a payload of a minimum-unit synchronous frame of a plurality of paths (FIG. 5B, STS-1 frames; column 8, lines 58-67) in units corresponding to a number of bytes of said packet frame; regarding claim 7, wherein said packet frame of said user is transmitted through a gigabit LAN; regarding claim 8, wherein said time division multiplex (FIG. 6, TDM CHANNELS 434) network is a SONET Synchronous Optical Network (FIG. 4, SONET RING 410); regarding claim 9, wherein said packet frame of said user is transmitted through a gigabit LAN; regarding claim 10, wherein said time division multiplex (FIG. 6, TDM CHANNELS 434) network is a SONET Synchronous Optical Network (FIG. 4, SONET RING 410). See column 1-14.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kovvali et al. (US 6,920,113) in view of Shiragaki et al. (US 6,125,104).

Kovvali et al. discloses the claimed limitations above. Kovvali et al. does not disclose the following features: regarding claim 6, wherein said converting means maps said packet frame of said user to the payload of the minimum-unit synchronous frame of the paths excluding a troubled path when a trouble occurs in any of said paths. Shiragaki et al. disclose a communication system comprising the following features: regarding claim 6, wherein said converting means maps said packet frame of said user to the payload of the minimum-unit synchronous frame of the paths excluding a troubled path when a trouble occurs in any of said paths (column 4, line 66 to column 5, line 5). It would have been obvious to one of the ordinary skill in the art at the time of the invention to modify the system of Kovvali et al. (US 6,920,113) by using the features, as taught by Shiragaki et al., in order to provide a reliable communication system by monitoring signal quality for detection and restoration of link failure. See Shiragaki et al., column 1, lines 8-12.

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Purse (US 6,901,082) discloses a method for communicating information.

Gonad (US 2003/0056017) discloses a method for translating SONET frames.

Park et al. (US 2002/0196811) discloses a network device.

Lyon et al. (US 2001/0053146) discloses a processor device.


Donovan et al. (US 6,122,281) discloses a method for transmitting LAN data.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kwang B. Yao whose telephone number is 571-272-3182. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chi H. Pham can be reached on 571-272-3179. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

KWANG BIN YAO
PRIMARY EXAMINER



Kwang B. Yao
August 26, 2005